

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAURI NIEDERMAIER, not individually, but)	Case No. 08 CV 2182 JH
as Independent Executor of the Estate of)	
Edward Krajewski, and ELIZABETH)	Judge Norgle
KRAJEWSKI,)	Magistrate Judge Denlow
)	
Plaintiffs,)	
)	
vs.)	
)	
WARREN ROSEN & CO., INC., THE)	
PERFECTHEALTH INSURANCE CO.,)	
REALTY BENEFITS ASSOCIATES, LLC.,)	
LEAGUE OF INTERNATIONAL)	
FEDERATED EMPLOYEES, and)	
ASSOCIATION OF FRANCHISE AND)	
INDEPENDENT DISTRIBUTORS, LLC,)	
)	
Defendants.)	

PLAINTIFF'S SUPPLEMENT TO CLARIFY JURISDICTIONAL STATEMENT

Plaintiff, LAURI NIEDERMAIER, as Independent Executor of the Estate of Edward Krajewski, by her attorneys, Hinshaw & Culbertson LLP, hereby submits her Supplement to Clarify Jurisdictional Statement as per the Court's August 13, 2008 Order.

The Court's Order noted that two defendants are LLC's.

In Paragraph 6 of the Complaint it is alleged that Defendant, Realty Benefits Associates, LLC ("RBA"), was a corporation with its principal place of business in New York, New York.

In Paragraph 8 of the Complaint it is alleged that Defendant, Association of Franchise and Independent Distributors, LLC (“AFID”), was a corporation incorporated in Ohio with its principal place of business in Springfield, Ohio.

The citizenship of an LLC for purposes of diversity jurisdiction is the citizenship of each of its members. Cosgrove v. Bartolotta, 150 F. 3d 729, 730 (7th Cir. 1998).

Subsequent to the Court’s Order, attorneys for the Plaintiff sought to identify more completely the identity and the citizenship of each of the members of RBA and AFID.

The Secretary of State website for the State of New York pertaining to RBA was checked for members. There are no limited liability corporation or corporate records for RBA on the New York or New Jersey Secretary of State’s website.

The Secretary of State website for the State of Ohio pertaining to AFID was checked for members. There are no limited liability corporation or corporate records for AFID on the Ohio Secretary of State’s website.

The Plaintiff also checked various corporation and business entity databases in Westlaw for any additional information on RBA or AFID. There was limited information regarding either of these limited liability corporations. A Dun & Bradstreet search for business registration identified AFID as a domestic limited liability company incorporated in Ohio. The registered agent and principal are identified as Bruce E. Spencer of Cedarville, Ohio. (See Westlaw Document 23678850640 marked Exhibit A and attached hereto). No other information regarding the identity or citizenship of the members of AFID was discovered.

The Plaintiff also performed Google searches for each of the limited liability corporations. There was no Web presence reported for RBA or AFID.

A check of the current Encyclopedia of Associations also failed to list either limited liability corporation.

Plaintiff also named League of International Federated Employees (“LIFE”) as a defendant organization with its principal place of business in Brooklyn, New York. Similar Web searches regarding the citizenship of the association members were performed. A Dun & Bradstreet analysis was found which identified its business address in Brooklyn, New York. However, no information regarding the citizenship of members has been found. (See Dun & Bradstreet search 16-786-9304 marked Exhibit B and attached hereto.)

In Thomas v. Gaurdsmark, LLC, 487 F.3d, 531, 535 (7th Cir. 2007), footnote 1 recognized the difficulty that the plaintiff in this case finds itself in – that the information as to the citizenship of members of an LLC or association may be in the hands of the other parties and, therefore, difficult for the plaintiff to obtain in order to comply with Circuit Rule 28(a)(1).

In the instant action AFID has been served and appeared. RBA has not yet been served with Alias Summons. LIFE has been served and the parties agreed to extend time to appear.

Title 28 U.S.C.A. § 1653 provides “Defective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts.”

Plaintiff herein requests leave to submit simple interrogatories to the limited liability corporation defendants and the association defendant to identify the citizenship of each party to the litigation and the identity of the citizenship of all members.

Alternatively, Plaintiff requests that if a defendant limited liability corporation or association has a member as of the date of the filing of the Complaint, April 16, 2008, who is not

diverse to the Plaintiff, that the Defendant identify the non-diverse member to allow the Plaintiff to amend the pleadings to cure any such defective allegations of jurisdiction.

Respectfully submitted,

By: HINSHAW & CULBERTSON LLP

Attorneys for Plaintiffs
LAURI NIEDERMAIER, as Independent
Executor of the Estate of Edward Krajewski,
and ELIZABETH KRAJEWSKI

/s/ J. Marc Forkins
One of Their Attorneys

J. Marc Forkins
Stephen Frost
Hinshaw & Culbertson LLP
4343 Commerce Court, Suite 415
Lisle, IL 60532
630-505-0010
Atty. ID 6190045

Westlaw.

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CORPORATE RECORDS & BUSINESS REGISTRATIONS

This Record Last Updated: 10/28/2005
Database Last Updated: 03-12-2008
Update Frequency: WEEKLY
Current Date: 03/14/2008
Source: AS REPORTED BY THE SECRETARY OF STATE OR OTHER OFFICIAL
SOURCE

COMPANY INFORMATION

Name: **THE ASSOCIATION OF FRANCHISE & INDEPENDENT
DISTRIBUTORS, LLC**

FILING INFORMATION

Identification Number: 1326618
Filing Date: 06/27/2002
State of Incorporation: OHIO
Expiration Date: 06/27/2101
Status: ACTIVE
Business Type: DOMESTIC LIMITED LIABILITY CO
Where Filed: SECRETARY OF STATE/CORPORATIONS DIVISION
30 E BROAD ST
COLUMBUS, OH 43215

REGISTERED AGENT INFORMATION

Name: BRUCE E SPENCER
Address: 29 W XENIA AVE
CEDARVILLE, OH 45314
Appointed Date: 06/27/2002
Status: ACTIVE

PRINCIPAL INFORMATION



Name: BRUCE E SPENCER
Title: AUTHORIZED REPRESENTATIVE

Name: PAUL OLESKI
Title: AUTHORIZED REPRESENTATIVE

AMENDMENT INFORMATION

Amendments: 06/27/2002 MISCELLANEOUS ARTICLES OF ORGANIZATION/DOM.
LIMITED LIABILITY CO

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
to order copies of documents related to this or other matters.
Additional charges apply.

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END OF DOCUMENT

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BUSINESS RECORD

D&B Completed Analysis:02-29-2008
Database Last Updated:02-29-2008
Source:Copyright (c) 2002 by Dun & Bradstreet,
Inc.
Current Date:03/14/2008
COMPANY INFORMATION

DUNS:16-786-9304
Name:LEAGUE INTERNATIONAL FEDERATED
ADDRESS:325 73RD ST
BROOKLYN, NY 11209
TELEPHONE:718-238-2399

YEAR STARTED:1939

BUSINESS DESCRIPTION

LINE OF BUSINESS:LABOR UNION

SIC CODE(S):
8631LABOR ORGANIZATIONS

EMPLOYEE INFORMATION

EMPLOYEES TOTAL:10

COMPANY HISTORY/OPERATIONS/RELATIONSHIPS & OTHER INFORMATION

3 HISTORY 07/09/07 ELLA DUPREE, PRES JOHN MONGELLO, SEC TREAS DIRECTOR(S): THE
OFFICER(S) THIS IS A NON PROFIT ORGANIZATION.
BUSINESS STARTED 1939 BY FOUNDERS.

ELLA DUPREE.

ANTECEDENTS UNDETERMINED.

4 JOHN MONGELLO.

ANTECEDENTS UNDETERMINED.

OPERATION 07/09/07 OPERATES AS A LABOR UNION.

REVENUE IS DERIVED THROUGH MEMBERSHIP DUES.

SELLS TO MEMBERS.

TERRITORY : LOCAL.

NONSEASONAL.

EMPLOYEES: 10 WHICH INCLUDES OFFICER(S).

FACILITIES: RENTS PREMISES IN BUILDING. (5 LOCATION: CENTRAL BUSINESS SECTION ON
MAIN STREET.

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